

MEMORANDUM

To: Board of Environmental Protection

From: Becky Blais, ES III, Bureau of Remediation & Waste Management
Division of Oil & Hazardous Waste Facility Regulation

Subject: Final License for Central Maine Power Company's North Augusta Service Center Commercial Hazardous Waste Storage Facility

Date: November 15, 2012

Statutory and Regulatory References:

Maine Hazardous Waste, Septage and Solid Waste Management Act, 38 M.R.S. §§ 1301 through 1319-Y, and Maine Hazardous Waste Management Rules, 06-096 CMR 850 through 857 (effective July 23, 2008).

Location:

Augusta, Kennebec County, Maine

Description:

Central Maine Power Company (CMP) is renewing its commercial hazardous waste storage facility license at its North Augusta Service Center (NASC).

CMP operates a facility for the exclusive storage of mineral oil that contains 50 ppm or greater of polychlorinated biphenyls (PCBs) and for PCB contaminated debris, both of which are identified as hazardous waste under 06-096 CMR 850 of the Department's Rules. These wastes are generated from the use of PCB-containing oil-filled electrical equipment used in support of CMP's power delivery operations in Maine. Hazardous wastes handled at the facility are either generated at the CMP service areas that are located throughout the State and then transported by CMP to the NASC facility or are generated as a result of the repair and salvage operations of oil-filled equipment. CMP also accepts equipment containing PCBs, PCB equipment for disposal and PCB contaminated wastes from non-CMP entities provided that the wastes are hazardous for PCB content only. This waste is managed on-site in the same manner as CMP generated waste and is neither treated nor disposed of at this facility.

CMP has proposed several changes in this renewal application including: 1) a reduction in the frequency of ultrasonic testing of tanks and piping from annually to once every five years; 2) a reduction in the frequency of liner coupon sampling and analysis from annually to once every five years; 3) the ability to receive up to 20 shipments per year of "stand-alone" PCB wastes from non-CMP equipment that is not accompanied by electrical equipment at NASC; 4) a reduction in the frequency of groundwater, surface water and sediment sampling from 4 times per year (once every three months) to three times per year (once every 4 months); 5) allowing outside oil spill clean-up contractors who are hired by CMP to conduct routine servicing of off-site PCB containing equipment and to transport PCB contaminated waste to NASC under the exemptions outlined in 06-

096 CMR 853(10) and 06-096 CMR 857(6) of Department Rules; and 6) allowing non-CMP entities to transport CMP owned equipment and/or waste to the NASC facility via Leighton Road instead of Route 27, which, according to the current CMP traffic estimate, would increase the volume of CMP related traffic on Leighton Road by approximately 1 to 2 trucks per day. All non-CMP carriers transporting non-CMP equipment would access the facility via the Route 27 entrance.

In the previous license, CMP addressed traffic concerns along the portion of Leighton Road that was formerly known as Old Oakland Road. In accordance with the existing license, in order to address traffic concerns related to CMP truck traffic on Leighton Road, only CMP carriers transporting CMP owned equipment are allowed to access the NASC facility via Leighton Road. All non-CMP carriers and all CMP carriers transporting non-CMP equipment must access the facility via the Route 27 entrance.

History:

On July 14, 2003 CMP submitted an application for the renewal of license #O-000001-HA-C-A, for the North Augusta Service Center hazardous waste storage facility. The Department determined the renewal application and its supporting material to be complete on August 4, 2003. Subsequent to the initial filing, CMP amended its application several times. The application was last amended on August 30, 2012.

Environmental Issues:

There are no new environmental issues related to the facility.

CMP has designed and constructed the NASC facility to include adequate safeguards to prevent any discharge of hazardous waste to the environment. These safeguards include lining of all waste storage areas and the Transformer Storage Building with a 40 mil HDPE synthetic liner material, operating a runoff and spill detention system in the travel portion of the facility and regularly monitoring groundwater, stormwater, sediment and surface water adjacent to the facility. CMP submitted sufficient evidence that their facility was constructed in a manner that allows for compliance with the intent of the Rules such that the design and operation offers adequate protection of natural resources.

Public Notice of Draft Order:

The draft order was reviewed by the Board and approved on September 6, 2012. The Notice of availability of draft license was published in the Kennebec Journal newspaper on September 10, 2012. The 45 day comment period ended on October 25, 2012. CMP submitted 5 comments on the draft Order. No other comments from the public were received. In response to these comments, the Department made one minor correction and two minor revisions to the Order for clarification purposes.

Department Recommendation:

Staff recommends approval of this license for CMP's Commercial Hazardous Waste Storage Facility. This approval allows for the continued operation of a Commercial Hazardous Waste Storage Facility at its North Augusta Service Center location.

Estimated Time of Presentation: 10 minutes.



STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

PAUL R. LEPAGE
GOVERNOR

PATRICIA W. AHO
COMMISSIONER

PERMIT BASIS STATEMENT

Central Maine Power Company
License # O-000001-HA-D-R
November 15, 2012

A. Scope of Permit Activities:

Central Maine Power Company (hereinafter "CMP") owns a parcel of land in the Augusta Business Park. CMP's North Augusta Service Center (NASC) facility is situated upon this lot, which is located on Anthony Avenue in Augusta, Maine. This renewal license grants approval for continued operation of a commercial hazardous waste storage facility with modifications. This license is limited to the storage of mineral oil containing 50 ppm or greater of polychlorinated biphenyls (PCBs) and for PCB contaminated debris, both of which are identified as hazardous waste under 06-096 CMR 850 of the Department's Rules.

PCB contaminated waste is generated from the use of PCB-containing oil-filled electrical equipment that is used in support of CMP's power delivery operations in Maine. Hazardous wastes handled at the NASC facility are either generated at the CMP service areas that are located throughout the State and then transported by CMP to the NASC facility or are generated as a result of the repair and salvage operations of oil-filled equipment. CMP also accepts equipment containing PCBs, PCB equipment for disposal and PCB contaminated wastes from non-CMP entities provided that the wastes are hazardous for PCB content only. This waste is managed on-site in the same manner as CMP generated waste and is neither treated nor disposed of at this facility.

As stated in 06-096 CMR 856(5)(A), the treatment, storage or disposal of hazardous waste is prohibited except in accordance with a license. The storage of mineral oil and debris containing 50 ppm or greater of PCBs is the subject of this license.

The Board of Environmental Protection has used, in the development of this license, the regulations in 06-096 CMR 854 and 06-096 CMR 856 of the Maine Hazardous Waste Management Rules, pertaining to storage in tanks and containers. 06-096 CMR 856(12)(E) provides that the license may be effective for a fixed term of up to five (5) years but may be issued for a duration that is less than the full allowable term.

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B. Response to Public Notices:

Public notice that a renewal application was filed with the Department appeared in the Kennebec Journal newspaper on July 15, 2003. A public announcement was made on WMME daily during the period of July 8, 2003 through July 14, 2003. No comments from the public were received. The Board approved CMP's draft Order on September 6, 2012. Public notice inviting comments on the draft Order was published on September 10, 2012 in the Kennebec Journal. The forty-five day comment period ended on October 25, 2012. No public comments were received, although CMP did submit several comments which are discussed in greater detail in the following section.

C. Comments on the draft Order:

CMP submitted comments to the Department dated September 11, 2012 and September 17, 2012 requesting clarifications or changes on four general issues and identifying one minor correction.

The first clarifying comment addresses adding additional language to Condition #4 to clarify that if a spill should occur within the paved NASC yard area, the spill material only needs to be tested if the spill is from non-FR3 (vegetable) oil containing electrical equipment. CMP stated in writing that FR3 oil is never put into a piece of equipment that formerly contained mineral oil (PCB or non-PCB) and that FR3 oil is never co-mingled with any other type of oil. CMP further stated that FR3 oil is only added to a transformer if a repaired transformer containing FR3 oil needs to be topped off. The language in the Order was revised to incorporate this clarification.

The second issue sought clarification of the language in Condition #9. This Condition requires that CMP submit a copy of the contract between CMP and the entity that would be responsible for transporting PCB contaminated waste from a location of a discharge or from the routine servicing of equipment to NASC without a hazardous waste transporter license and without using a hazardous waste manifest. CMP has stated that contracts between CMP and its contractors are confidential, therefore, they do not want to submit either edited (blacked out) or unedited versions of these contracts due to confidentiality concerns. CMP requested that they only submit the specific portions of a contract that are pertinent to the Order. CMP agrees that in the transmittal of the contract they will state that all of the information that is required in Condition #9 has been provided to the Department and that no information was excluded. The language in the Order was revised to reflect this change.

The third issue that was raised concerns Condition #14 which requires CMP to submit a detailed corrective action plan if any analytical result from a well, stream, or stream sediment sample is elevated above the reporting limit. CMP requested that the Order clarify that CMP's corrective action obligations would be limited to identification of the source of any contamination and cleanup of that contamination for which it was found to

be responsible. Therefore, CMP is requesting that the Order explicitly state the Department's intention to pursue a responsible party should an entity other than CMP be responsible for causing contamination on the NASC property. No language changes were made to the Order based on the fact that if contamination is discovered and determined to originate from a source other than CMP, the Department will determine responsible party status for releases based on the specific facts surrounding the release and in accordance with the laws and rules of the State of Maine.

The fourth issue raised concerns Condition #22 which requires that CMP submit and implement a corrective action plan to abate any releases of hazardous waste or constituents to sediment, soil, air, surface water or groundwater to ensure that the facility is in compliance with Maine's performance standards. CMP is requesting that the wording be changed to state that a corrective action plan needs to be submitted to abate any releases of hazardous waste or constituents for which CMP is responsible. No language changes were made to the Order, as it is CMP's responsibility to investigate any contamination and to determine the source of the contamination. The Department would then determine responsible party status for releases based on the specific facts surrounding the release and in accordance with the laws and rules of the State of Maine.

The minor correction that was identified is found on page 23 of the draft Order under Section (C) "Wastes Stored". The last sentence of paragraph #2 has been corrected to state that Annex III is the location for the storage of ignitable wastes that occurs for a period of 90 days or less.

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